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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,331	11/01/2001	Paul Peterson	15-724	9609

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,331

Applicant(s)

PETERSON ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 20-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Applicant's remarks presented in the response filed April 8, 2004 indicate that claims 1-19 of Group I have been elected "with traverse" (see page 10, first paragraph). However, since Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, this election has been treated as an election without traverse (MPEP § 818.03(a)).

The disclosure is again objected to because the specification fails to contain a reference to Applicant's provisional application, as required by 37 CFR 1.78(a)(5)(i). Appropriate correction is again required.

Claim 19 is objected to because of the following informalities: the term "so lution" (penultimate line) appears to be a typographical error, and should read "solution." Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Griswold (U.S. Patent No. 2,635,755). See col. 1, lines 1-3, 15-18 and 42-48; col. 2, lines 15-20 and 45-47; col. 3, lines 6-12, 35-45 and 51-55; and col. 4, lines 7-13, 35-43 and 49-61.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 8, 10, 11, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold in view of Prior et al. (U.S. Patent No. 3,891,552). Griswold discloses the claimed invention with the exception of the recited multiple tank system. Prior et al. discloses a multi-tank water treatment system, and further discloses controlling the flow of source water and regeneration fluid in the recited manner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a plurality of treatment tanks in the system of the primary reference, and to control regeneration of these tanks in the manner taught by Prior et al., in order to improve the efficiency of this primary reference system.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold and Prior et al. as applied above, further in view of Megonnell et al. (U.S. Patent No. 6,214,212). The modified primary reference discloses the claimed invention with the exception of the use of catalytic carbon. Megonnell et al. discloses removing hydrogen sulfide from water (see col. 1, lines 23-26) with catalytic carbon (see col. 3, lines 37-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the catalytic carbon of Megonnell et al. for the activated carbon of the modified primary reference, since this secondary reference catalytic carbon is capable of removing hydrogen sulfide from water in substantially the same manner as the activated carbon of the modified primary reference, to produce substantially the same results (see especially col. 1, lines 26-28 of Megonnell et al.).

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold and Prior et al. as applied above, further in view of Roberts (U.S. Patent No. 2,855,364). The modified primary reference discloses the claimed invention with the exception of the flow direction of regenerant solution. Roberts teaches purifying water with downflow treatment and

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upflow regeneration (see Figs. 1 and 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to regenerate the carbon bed of the modified primary reference in the manner suggested by Roberts, since this upflow regeneration technique is also capable of removing the adsorbed sulfur contaminants from this carbon bed.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold and Prior et al. as applied above, further in view of Higgins et al. (U.S. Patent No. 5,078,889). The modified primary reference discloses the claimed invention with the exception of the specific oxidant material utilized. Higgins et al. teaches (see col. 7, lines 60-61 and 67-68) that both sodium hypochlorite and peroxide solution are capable of removing hydrogen sulfide from an adsorbent bed; and given this teaching by Higgins et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the sodium hypochlorite of this secondary reference for the hydrogen peroxide of the modified primary reference, since this sodium hypochlorite is capable of removing hydrogen sulfide from the activated carbon bed of the modified primary reference in substantially the same manner as the hydrogen peroxide disclosed therein, to produce substantially the same results.

Applicant's arguments filed April 8, 2004 have been noted and carefully considered, but no longer appear to be relevant in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

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The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
June 26, 2004